

## **WEST VIRGINIA BROADBAND DEPLOYMENT COUNCIL**

Wednesday, December 14, 2011 @ 9:00 a.m.

The meeting of the West Virginia Broadband Deployment Council was held in Building 6, Room 6A on Wednesday, December 14, 2011, at 9:00 a.m.

### **The following members participated:**

Judge Dan O'Hanlon  
Erica Mani  
Jeff Forbes  
Lee Fisher  
Ken Arndt  
Elaine Harris  
Michael Kelemen (via phone)  
Dr. Jan Fox (via phone)  
Jimmy Gianato  
Kyle Schafer

### **Additional participants:**

Andrea Rayl  
Billy Jack Gregg  
Tony Simental  
Mark Holmes  
Kevin Lazor  
Evelyn Bailey  
Scott Cosco  
Dana Waldo  
Jim Martin  
Chris Morris  
Mike Friloux  
Josh Pickens  
Mark Polen  
Doren Burrell  
James Patterson  
Greg Florence  
Brandy Messer (via phone)

After a quorum was established, Chair O'Hanlon welcomed the Council and called the meeting to order at 9:02am.

## **Business**

Chair O'Hanlon asked for the approval of the minutes from the November meeting of the Broadband Deployment Council. The Council approved the minutes with no objection.

## **Other Business**

Because John Dunlap was not available, Jimmy Gianato updated the Council on the BTOP progress – 39 new sites have been submitted, 59 approved, 3 additional miles engineered, 5.13 miles completed, 9 anchors finished with fiber to the d-mark, 1 additional for facility buildout on hold, 48 routers deployed to sites with existing fiber, 51 with fiber to d-mark and 99 additional total have been deployed.

Vice-Chair Mani brought up a concern that if the Council is not careful in filing of rules, it may end up with a period of “dead rules.” The attorney for the Council, Doren Burrell, stated that April of 2012 would be a more appropriate time for filing of rules to avoid a lapse in emergency rules and promulgated rules.

Chair O'Hanlon informed the Council that he had received an advisory opinion to the questions posed to the Ethics Commission regarding industry members serving on the Council. Because the Ethics Commission keeps the name of who poses a particular question to them confidential, the Council is allowed to go into executive session to discuss the information contained in their letter. No member of the Council requested an executive session; therefore Chair O'Hanlon was free to discuss the information publically. The Ethics Commission ruled that industry members could not serve on the subcommittee drafted the rules/procedures for the application nor on the committee that evaluated the applications. They also suggested that a third party evaluate the applications and make recommendations to the Council for a vote. The member would have to recuse themselves when they had a personal, financial interest in any application coming before the Council.

Evelyn Bailey went over the latest versions of the draft application and draft rules. Chair O'Hanlon asked Ms. Bailey to make the requested changes and present again at the January meeting of the Broadband Deployment Council.

Chair O'Hanlon gave the Council a copy of a letter he sent to the legislative members of the Council. Senator Unger wrote the Council that a meeting at 8am would be more convenient. Chair O'Hanlon said that he asked the legislators to send a designee if they are not able to attend.

Ken Arndt made a motion to use existing broadband maps, so that additional restrictions would not be placed on providers not applying for any grants. The motion was seconded by Michael Kelemen and passed with one objection.

## **Presentation**

Kyle Schafer relayed information to the Council from Connect to Compete. They are working with and reaching out to entities to expand broadband demand. Mr. Schafer suggested that they come and formally present to the Council at a later date; Chair O'Hanlon agreed and asked Mr. Schafer to make contact with them.

Dana Waldo, Frontier Communications, updated the Council on Frontier's broadband expansion project.

## **Public Comment**

There was no public comment.

## **Adjournment**

The next meeting has been noticed for February 8, 2012, at 9:00 a.m. in Building 6, Room 6A. The call-in number and agenda will be provided prior to the meeting.

With no other business, the meeting adjourned at 11:14 a.m.